

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

Claims 1-27, 49 and 50 are pending in the application.

Claims 1-16, 19-21, 49 and 50 are rejected under 103(a) as being unpatentable over SCHOELER 5,862,652. That rejection is respectfully traversed.

Claim 1 is amended and recites a form-fill unit removably connected to the frame at a front side of the machine. Claim 1 further recites a form shoulder being asymmetrically shaped to form an overlap in the foil tube, which extends from a rear side of the packaging over an upper side of the packaging to a front side of the packaging. Support for these limitations may be found on page 13, lines 22-28 and page 20, lines 25-30.

The Official Action offers Figures 9-11 of SCHOELER as disclosing a frame. Although a frame is not disclosed with respect to these figures, nevertheless, SCHOELER fails to disclose that the form-fill unit is removably connected to the frame. As each of the recited limitations is not disclosed, *prima facie* obviousness has not been established.

In addition, the shoulder of SCHOELER does not form an overlap in the foil tube, which extends from a rear side of the packaging over an upper side of the packaging to a front side of the packaging.

Rather, the shoulder of SCHOELER forms a package that has a transverse seal 3, 103. See Figure 7.

In contrast, the recited asymmetrical shoulder must have a certain shape in order to achieve the recited overlap at the recited position of the overlap. The shoulder of SCHOELER cannot achieve this shape.

Thus, one of ordinary skill in the art is apprised of how the shoulder is shaped to obtain the overlap and where the longitudinal sealing means is positioned relative to the form-fill tube to achieve such overlap. Accordingly, one of ordinary skill in the art would understand that not only is the bag produced by the recited machine different than that of SCHOELER, but the machine that produces such bags are different.

As SCHOELER does not disclose the relationship of the recited structure needed to obtain the bag of the invention, claim 1 would not have been obvious in view of SCHOELER.

Claim 19 is amended and includes similar limitations. The analysis above regarding claim 1 is equally applicable to claim 19.

In addition, claim 19 includes the limitation of transportation means at a lateral side of the form-fill tube. As disclosed on page 14, lines 9-24, such transportation means enable the form-fill unit to be attached to the frame, so that different

form-fill units can be interchanged without removing any other parts of the machine. SCHOELER does not disclose such a feature.

The dependent claims are believed patentable over SCHOELER at least for depending from an allowable independent claim.

Claims 22-27 were rejected under 103 (a) as unpatentable over SCHOELER in view of INAGAKI EP 0 276 554. That rejection is respectfully traversed.

Claim 22 is amended and recites a form-fill unit removably connected to the frame. Claim 22 also recites that the form-fill tube has a substantially rectangular cross-section and is positioned in the machine having a first main side facing away from the machine and a second main side facing the machine. The form shoulder forms the overlap at at least the first or second main side. Claim 22 further recites that the form-fill-seal machine is provided with means for applying a strip of doublesided adhesive tape on the web of foil material in the area of the intended overlap.

As set forth above with respect to claim 1, SCHOELER does not disclose a form-fill unit removably connected to the frame. INAGAKI also does not disclose this feature.

In addition, SCHOELER is directed to a tubular machine having a tubular fill pipe 20 to form a tubular bag 101. See Figure 8, the claims and the entire disclosure of SCHOELER. INAGAKI discloses a cylindrical fill tube 11. See Figure 11 and

column 3, lines 43-46. The proposed combination of references does not suggest a form-fill tube having a substantially rectangular cross-section and positioned in the machine having a first main side facing away from the machine and a second main side facing the machine.

Moreover, SCHOELER discloses forming the overlap at a lateral side of the filling tube. Neither SCHOELER nor INAGAKI suggest that the form shoulder forms the overlap at at least the first or second main side.

In any event, INAGAKI does not disclose that for which it is offered with respect to the tape.

INAGAKI discloses a first tape strip 2a associated with a male form 4 and a second tape strip 2a associated with a female form 5. As disclosed on column 3, line 50 to column 4, line 1, a Teflon strip is between the first and second tape strips 2a to prevent them from being welded together.

Since the tape applying structure of INAGAKI applies two separate strips of tape with a third strip of Teflon tape therebetween, such structure would necessarily be different from the recited means for applying a strip of doublesided adhesive tape on the web of foil material in the area of the intended overlap.

Based on the foregoing, the combination of SCHOELER in view of INAGAKI would not have been sufficient to render claims 22-27 *prima facie* obvious.

In view of the present amendment and the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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